

amended to provide the complete and correct parent application data. The Applicant thanks the Examiner for noting the necessary correction. The required amendment is made herein.

The Examiner has, in accordance with the phone interview, has withdrawn the rejection of Claims 1-6, 8-14, 16, and 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 5,991,948 in view of Yuen et al or Elkins based upon Applicants response under 37 CFR §1.111.

In the Specification

Please amend the specification as follows:

N.E. Please replace 8/843,744 (both occurrences) with 08/331,183

On page 12, line 21, please replace "90" with 91

In the Abstract

Please amend the abstract as follows:

d1 A thermal regulating cushioning device for heating and/or cooling is provided. The thermal regulating device comprises a flexible, deformable outer membrane being adapted to sealably receive a liquid-like material therein. A foam core is disposed within the flexible, deformable outer membrane wherein the foam core has a dimension substantially coincident with the outer membrane. A liquid-like material is sealably contained within the flexible, deformable outer membrane and saturating the foam core with the liquid [-like] material being at least partially circulatable through the foam core wherein the cooperation of the saturated foam core and the sealable flexible membrane provide a uniform, thermal

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cont.

regulating medium and structural support such that the cushioning device is readily, uniformly deformable when a load is applied thereto. An external heater and/or cooler circulates the liquid through the cushioning device.

In the Drawings

Please substitute new Figure 10 contained in this response for the original Figure 10.

In the Claims

d2 12/13/14 (Twice Amended) A method for regulating the temperature of a user comprising the steps of:

bringing a portion of the body of said user in intimate contact with a cushioning device having a foam core saturated with a liquid[-like] material, said foam core encased within and in intimate contact with, but not bonded to a deformable, sealable flexible membrane and having a dimension substantially coincident with said [outer] flexible membrane, wherein said liquid material is at least partially circulatable through said foam core and having a thermal regulating unit cooperating with the liquid material to either heat or cool the liquid material, said method further comprising the step of circulating said liquid material within said cushioning device wherein the cooperation of said saturated foam core and said sealable flexible membrane provide a substantially uniform, thermal regulating medium and structural support for said user, and wherein said cushioning device is readily, uniformly deformable when a load is applied thereto.

14. (Amended) The method for regulating the temperature of a user of claim 13 and 12

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cont.

further comprising the step of wrapping said [cushion] cushioning device around said user.

15. (Amended) The method for regulating the temperature of a user of claim 13 and further comprising the step of heating or cooling the temperature of the liquid material with [a] said thermal regulating unit.

14/15 (Amended) The method for regulating the temperature of a user of claim 13 wherein said flexible [outer] membrane has a non-sticking surface.

15/15 (Amended) The method for regulating the temperature of a user of claim 13 wherein said cushioning device includes a receiving area having a dimension greater than said portion of the user's body, such that said saturated foam core and said flexible [outer] membrane substantially surround said portion.

Respectfully submitted,

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